

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEVE BOOZE,)	
)	
Plaintiff,)	
vs.)	NO. CIV-04-0812-HE
)	
POTTAWATOMIE COUNTY RURAL)	
WATER DISTRICT NO. 3, ET AL.,)	
)	
Defendants.)	

ORDER

Plaintiff has filed a motion to compel discovery responses, to which defendant Pottawatomie County Rural Water District No. 3 (“District”) has responded. Plaintiff seeks leave to file a reply brief.

Plaintiff served a discovery request on one or more defendants which apparently included requests for admissions, interrogatories, and requests for production. It is unclear whether the request was directed to all defendants or to the only defendant which has responded here — the District.¹ Defendant District responds that it made various documents available to plaintiff, that plaintiff’s counsel has not “come upstairs” to review them, and that various other events and developments have delayed its formal response to the discovery request. It is unclear whether, at this point, a written response to plaintiff’s discovery requests has been provided. It is also unclear whether the in-person conference required by this Court’s rules for handling discovery disputes has been complied with. LCvR37.1.

¹ *Although plaintiff’s brief references the request as an exhibit, a copy of the request was not attached.*

Plaintiff says the conference occurred. Defendant District says it didn't, unless a few comments of counsel while passing in the hallway count.


It is time for both parties to get serious about resolving these issues and getting the case ready for trial.

Plaintiff's motion to compel is **GRANTED IN PART and DENIED IN PART**. Defendant is directed to file a written response to the discovery requests previously served, if it has not already done so, not later than May 1.² Plaintiff's request for fees and costs is denied. Plaintiff's request for leave to file a reply brief is **DENIED**. If discovery disputes remain after May 1, 2005, a further motion to compel may be filed, but the parties are advised that the Court expects full and complete compliance with the requirements of LCvR 37.1 before any such motion is filed. The required in-person meeting between counsel may be either "upstairs" or "downstairs," but it shall be focused with sufficient intensity on this case and the discovery issues in it that neither party has any lingering uncertainty about whether the meeting — and a serious, good faith effort to work out the problems --- occurred.

² *If the original discovery requests ran to both remaining defendants, then this order similarly applies to both defendants.*

IT IS SO ORDERED.

Dated this 26th day of April, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE